

richard-enrique: ulloa  
c/o Non -Domestic –Mail  
postal department 771  
stone-ridge: new-york republic

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

MAR 26 2010

LAWRENCE K. BAERMAN, CLERK  
ALBANY

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

|                              |   |                      |
|------------------------------|---|----------------------|
|                              | ) | CASE INC 1:10-CV-132 |
|                              | ) | (GLS//DRH)           |
| Richard-Enrique; Ulloa       | ) |                      |
|                              | ) |                      |
| Plaintiff                    | ) |                      |
|                              | ) |                      |
| V                            | ) |                      |
|                              | ) |                      |
|                              | ) |                      |
| MID HUDSON VALLEY FEDERAL    | ) | MEMORANDUM OF LAW    |
| CREDIT UNION, and DOES I - X | ) | IN SUPPORT OF MOTION |
|                              | ) | TO STRIKE            |
|                              | ) |                      |
| Defendant                    | ) |                      |
| _____                        | ) |                      |

**“MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF’S PETITION  
(MOTION) TO STRIKE DEFENDANTS ATTORNEY FILINGS AND OBJECTIONS”**

**STATEMENT OF ISSUES**

**ADMINISTRATIVE NOTICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

:\* \*63C Am.Jur.2d, Public Officers and Employees, §247\* "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. (1) Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (2) That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. (3) and owes a fiduciary duty to the public. (4) It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. (5) Furthermore, it has been stated that any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Fraud in its elementary common law sense of deceit-and this is one of the meanings that fraud bears [483 U.S. 372] in the statute. See *United States v. Dial*, 757 F.2d 163, 168 (7th Cir1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them, he is guilty of fraud. *McNally v United States* 483 U.S. 350 (1987)

16  
17

Texas Penal Code Sec. 1.07. DEFINITIONS. (a) In this code:

18  
19  
20  
21  
22  
23  
24

(9) "Coercion" means a threat, however communicated:

- (A) to commit an offense;
- (B) to inflict bodily injury in the future on the person threatened or another;
- (C) to accuse a person of any offense;
- (D) to expose a person to hatred, contempt, or ridicule;
- (E) to harm the credit or business repute of any person; or
- (F) to take or withhold action as a public servant, or to cause a public servant to take or withhold action.

25  
26  
27  
28

(19) "Effective consent" includes consent by a person legally authorized

to act for the owner. Consent is not effective if:

- (A) induced by force, threat, or fraud;
- (B) given by a person the actor knows is not legally authorized to act for the owner;

(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or

(D) given solely to detect the commission of an offense.

(24) "Government" means:

(A) the state;

(B) a county, municipality, or political subdivision of the state; or

(C) any branch or agency of the state, a county, municipality, or political subdivision.

(30) "Law" means the constitution or a statute of this state or of the United States, a written opinion of a court of record, a municipal ordinance, an order of a county commissioner's court, or a rule authorized by and lawfully adopted under a statute.

(41) "Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties:

(A) an officer, employee, or agent of government;

(B) a juror or grand juror; or

(C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; or

(D) an attorney at law or notary public when participating in the performance of a governmental function; or

(E) a candidate for nomination or election to public office; or

(F) a person who is performing a governmental function under a claim of right although he is not legally qualified to do so.

THE COUNTY OF ULSTER, INC

THE STATE OF NEW YORK, INC.

THE UNITED STATES, INC.

**Re: Alphanumeric Code # 1:10-CV-132** (to include any direct or indirect subsequent secret Alphanumeric Code #'s as a result thereof)

**ALL COURTS ARE OPERATING UNDER  
(1) *TRADING WITH THE ENEMY ACT* AS CODIFIED IN  
TITLE 50 USC,**

**(2) TITLE 28 USC, CHAPTER 176, *FEDERAL DEBT  
COLLECTION PROCEDURE*, AND**

**(3) FED.R.CIV.P. 4(j) UNDER TITLE 28 USC §1608, MAKING THE COURTS  
“FOREIGN STATES” TO THE PEOPLE BY CONGRESSIONAL MANDATE**

**"IT IS THE DUTY OF THE COURT TO DECLARE THE MEANING OF WHAT IS  
WRITTEN, AND NOT WHAT WAS INTENDED TO BE WRITTEN. J.W. Seavey Hop  
Corp. v. Pollock, 20 Wn.2d 337,348-49, 147 P.2d 310 (1944), cited with approval in Berg v.  
Hudesman, 115 Wn2d at 669.**

**ISSUE ONE:**

**OATH OF OFFICE MAKES PUBLIC OFFICIALS “FOREIGN”**

1. Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial branch, including Court Officials, Judges, Prosecutors, Law Enforcement Department employees, Officers of the Court, and etc., before entering into these public offices, are required by the U.S. Constitution and statutory law to comply with Title 5 USC, Sec. §3331, “Oath of office.” State Officials are also required to meet this same obligation, according to State Constitutions and State statutory law.

2. All oaths of office come under 22 CFR, Foreign Relations, Sections §§92.12 - 92.30, and all who hold public office come under Title 8 USC, Section §1481 “Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions.”

3. Under Title 22 USC, Foreign Relations and Intercourse, Section §611, a Public Official is considered a foreign agent. In order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General as a foreign principle.

4. The Oath of Office requires the public official in his / her foreign state capacity to uphold the constitutional form of government or face consequences.

*Title 10 USC, Sec. §333, “Interference with State and Federal law”*

*The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—*

*(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or*  
*(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.*

*In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.*

5. Such willful action, while serving in official capacity, violates Title 18 USC, Section §1918:

*Title 18 USC, Section §1918 “Disloyalty and asserting the right to strike against the government”*

*Whoever violates the provision of 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—*

*(1) advocates the overthrow of our constitutional form of government; (2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;*

*shall be fined under this title or imprisoned not more than one year and a day, or both and.*

also deprives claimants of “honest services:

*Title 18, Section §1346. Definition of “scheme or artifice to defraud”*

*“For the purposes of this chapter, the term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.*

and the treaties that placed your public offices in that foreign state under international law and under the United Nation jurisdiction

49 Stat. 3097; Treaty Series 881 CONVENTION ON RIGHTS AND DUTIES OF STATES

1945 IOIA –That the International Organizations Act of December 29, 1945 (59 Stat. 669; Title 22, Sections 288 to 2886 U.S.C.) the US relinquished every office

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101

The term “foreign state” includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states

# **ISSUE TWO:**

## **JUDGE SERVES AS A DEBT COLLECTOR**

6. Judges hold public office under Title 28 USC, Chapter 176, Federal Debt Collection Procedure:

*Title 28, Chapter 176, Federal Debt Collection Procedure, Section §3002*

*As used in this chapter:*

(2) “Court” means any court created by the Congress of the United States, excluding the United States Tax Court. (3) “Debt” means—

(A) an amount that is owing to the United States on account of a direct loan, or loan insured or guaranteed, by the United States; or (B) an amount that is owing to the United States on account of a fee, duty, lease, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond forfeiture, reimbursement, recovery of a cost incurred by the United States, or other source of indebtedness to the United States, but that is not owing under the terms of a contract originally entered into by only persons other than the United States;

(8) “Judgment” means a judgment, order, or decree entered in favor of the United States in a court and arising from a civil or criminal proceeding regarding a debt. (15) “United States” means—

(A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the United States; or (C) an instrumentality of the United States.

1  
2 Title 22 USC, Sec. §286. "Acceptance of membership by United States in International  
3 Monetary Fund," states the following:  
4

5 *The President is hereby authorized to accept membership for the United States in the*  
6 *International Monetary Fund (hereinafter referred to as the "Fund"), and in the*  
7 *International Bank for Reconstruction and Development (hereinafter referred to as the*  
8 *"Bank"), provided for by the Articles of Agreement of the Fund and the Articles of*  
9 *Agreement of the Bank as set forth in the Final Act of the United Nations Monetary and*  
10 *Financial Conference dated July 22, 1944, and deposited in the archives of the*  
11 *Department of State.*

12 8. Title 22 USC, Sec. § 286e-13, "Approval of fund pledge to sell gold to provide resources  
13 for Reserve Account of Enhanced Structural Adjustment Facility Trust," states the following:  
14

15 *The Secretary of the Treasury is authorized to instruct the Fund's pledge to sell, if*  
16 *needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the*  
17 *Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that*  
18 *would be sufficient to meet obligations of the Trust payable to lenders which have made*  
19 *loans to the Loan Account of the Trust that have been used for the purpose of financing*  
20 *programs to Fund members previously in arrears to the Fund.*

### 21 **ISSUE THREE:**

#### 22 **NO IMMUNITY UNDER "COMMERCE"**

23 9. All immunity of the United States, and all liability of States, instrumentalities of States,  
24 and State officials have been waived under commerce, according to the following US Codes:  
25

26 *Title 15 USC, Commerce, Sec. §1122, "Liability of States, instrumentalities of*  
27 *States, and State officials"*  
28

(a) *Waiver of sovereign immunity by the United States. The United States, all*  
*agencies and instrumentalities thereof, and all individuals, firms, corporations, other*  
*persons acting for the United States and with the authorization and consent of the*  
*United States, shall not be immune from suit in Federal or State court by any person,*  
*including any governmental or nongovernmental entity, for any violation under this*  
*Act. (b) Waiver of sovereign immunity by States. Any State, instrumentality of a State or*

any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity for any violation under this Act.

Title 42 USC, Sec. §12202, “State immunity”

*A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for a violation of the requirements of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State*

Title 42 USC, Sec. §2000d–7, “Civil rights remedies equalization”

(a) General provision

*(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance. (2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.*

10. The Administrative Procedure Act of 1946 gives immunity in Administrative Court to the Administrative Law Judge (ALJ) only when an action is brought by the people against a public, agency or corporate official / department. Under Title 5 USC, Commerce, public offices or officials can be sanctioned.

Title 5, USC, Sec. §551:

(10) “sanction” includes the whole or a part of an agency—



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person; (B) withholding of relief; (C) imposition of penalty or fine; (D) destruction, taking, seizure, or withholding of property; (E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (F) requirement, revocation, or suspension of a license; or (G) taking other compulsory or restrictive action;

11. Justice is required to be BLIND while holding a SET OF SCALES and a TWO-EDGED SWORD. This symbolizes true justice. The Administrative Procedure Act of 1946 (60 stat 237) would allow the sword to cut in either direction and give the judge immunity by holding his own court office accountable for honest service fraud, obstruction of justice, false statements, malicious prosecution and fraud placed upon the court. Any willful intent to uncover the EYES OF JUSTICE or TILT THE SCALES is a willful intent to deny Due Process, which violates Title 18 USC §1346, "Scheme or Artifice to Defraud," by perpetrating a scheme or artifice to deprive another of the intangible right of honest services. This is considered fraud and an overthrow of a constitutional form of government and the person depriving the honest service can be held accountable and face punishment under Title 18 USC and Title 42 USC and violates Title 28 USC judicial procedures.

12. Both Title 18 USC, Crime and Criminal Procedure, and Title 42 USC, Public Health and Welfare, allow the Petitioner to bring an action against the United States and/or the State agencies, departments, and employees for civil rights violations while dealing in commerce. Title 10 places all public officials under this Title 10 section 333 while under a state of emergency. (Declared or undeclared War this fall under TWEA.)

#### ISSUE FOUR:

#### COURTS OPERATING UNDER WAR POWERS ACT

13. The Courts are operating under the Emergency War Powers Act. The country has been under a declared "state of emergency" for the past 70 years resulting in the Constitution being suspended (See Title 50 USC Appendix – Trading with the Enemy Act of 1917). The Courts have been misusing Title 50 USC, Sec. §23, "Jurisdiction of United States courts and judges," which provides for criminal jurisdiction over an "enemy of the state," whereas, Petitioner comes under Title 50 USC Appendix Application Sec. §21, "Claims of naturalized citizens as affected by expatriation" which states the following:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*The claim of any naturalized American citizen under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control.*

14. 15 Statutes at Large, Chapter 249 (section 1), enacted July 27 1868, states the following:

*PREAMBLE - Rights of American citizens in foreign states.*

*WHEREAS the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed.*

*SECTION I - Right of expatriation declared.*

*THEREFORE, Be it enacted by the Senate of the and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.*

*SECTION II - Protection to naturalized citizens in foreign states.*

*And it is further enacted, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native born citizens in like*

situations and circumstances. *SECTION III - Release of citizens imprisoned by foreign governments to be demanded.*

*And it is further enacted, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in the violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.*

*Approved, July 27, 1868*

15. The Courts and the States are enforcing the following code on American nationals: Title 50 USC Appendix App, Trading, Act, Sec. §4, "Licenses to enemy or ally of enemy insurance or reinsurance companies; change of name; doing business in United States," as a result of the passage of The Amendatory Act of March 9, 1933 to Title 50 USC, Trading with the Enemy Act Public Law No. 65-91 (40 Stat. L. 411) October 6, 1917. The original Trading with the Enemy Act **excluded** the people of the United States from being classified as the enemy when involved in transactions wholly within the United States. The Amendatory Act of March 9, 1933, however, **included the people of the United States as the enemy**, by incorporating the following language into the Trading With The Enemy Act: "**by any person within the United States.**" The abuses perpetrated upon the American people are the result of Title 50 USC, Trading With The Enemy Act, which turned the American people into "enemy of the state."

#### ISSUE FIVE:

#### LANGUAGE NOT CLARIFIED

16. Clarification of language:

the Plaintiff THE PEOPLE OF THE STATE OF NEW YORK has failed to state the meaning or clarify the definition of words. The Petitioner places before the Court legal definitions and terms, along with NOTICE OF FOREIGN STATE STATUS OF THE COURT. This court, pursuant to the Federal Rules of Civil Procedure (FRCP) Rule 4(j),

1 is, in fact and at law, a FOREIGN STATE as defined in Title 28 USC §1602et. seq., the  
 2 **FOREIGN SOVEREIGN IMMUNITIES ACT of 1976, Pub. L. 94-583 (hereafter FSIA),**  
 3 **and, therefore, lacks jurisdiction in the case number 1:10-cv-132.** The above-mentioned “real  
 4 party in interest” hereby demands full disclosure of the true and limited jurisdiction of the STATE  
 5 COURT. Any such failure violates 18 USC §1001, §1505, and §2331. This now violates the  
 6 PATRIOT ACT, Section 800, Domestic terrorism.

7 17. There are three different and distinct forms of the “**United States**” as revealed by this case  
 8 law:

9 “The high Court confirmed that the term “United States” can and does mean three  
 10 completely different things, depending on the context.” *Hooven & Allison Co. vs. Evatt*,  
 11 324 U.S. 652 (1945) & *United States v. Cruikshank*, 92 U.S. 542 (1876) & *United States*  
 12 *v. Bevens*, 16 U.S. 3 Wheat. 336 336 (1818)

13 The Court and its officers have failed to state which United States they represent, since they  
 14 can represent only one, and it’s under Federal Debt Collection Procedure, as a corporation, the  
 15 United States, Inc., and its satellite corporations have no jurisdiction ver Complainant. An  
 16 American national and a belligerent claimant, Complainant hereby asserts the right of immunity  
 17 inherent in the 11th amendment: “*The judicial power shall not be construed to extend to any*  
 18 *suit in law or equity, commenced or prosecuted against one of the United States by citizens of*  
 19 *another state, or by citizens of any Foreign State.*” The “STATE COURT”, by definition is a  
 20 FOREIGN STATE, and is misusing the name of this Sovereign American by placing  
 21 Complainant’s name in all capital letters, as well as by using Complainant’s last name to construe  
 22 Complainant erroneously, as a “person” which is a “term of art” meaning: *a creature of the law,*  
 23 *an artificial being, and a CORPORATION or ens legis:*

24 “*Ens Legis*. L. Lat. A creature of the law; an artificial being, as contrasted with a natural  
 25 person. Applied to corporations, considered as deriving their existence entirely from the law.” —  
 26 Blacks Law Dictionary, 4th Edition, 1951.

27 18. All complaints and suits against such CORPORATION, or *ens legis*, fall under the  
 28 aforementioned FSIA and service of process must therefore be made by the clerk of the court,  
 under Section 1608(a)(4) of Title 28 USC, 63 Stat. 111, as amended (22 U.S.C. 2658) [42 FR  
 6367, Feb. 2, 1977, as amended at 63 FR 16687, Apr. 6, 1998], to the Director of the Office of  
 Special Consular Services in the Bureau of Consular Affairs, Department of State, in Washington,  
 D.C., exclusively, pursuant to 22 CFR §93.1 and §93.2. A copy of the FSIA must be filed with

the complaint along with “a certified copy of the diplomatic note of transmittal,” and, “the certification shall state the date and place the documents were delivered.” The foregoing must be served upon the Chief Executive Officer and upon the Registered Agent of the designated CORPORATION or FOREIGN STATE.

19. **MUNICIPAL, COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of FOREIGN STATE, and under all related definitions below.** Said jurisdiction lies with the “district court of the United States,” established by Congress in the states under Article III of the Constitution, which are “constitutional courts” and do not include the territorial courts created under Article IV, Section 3, Clause 2, which are “legislative” courts. *Hornbuckle v. Toombs*, 85 U.S. 648, 21 L.Ed. 966 (1873), (See Title 28 USC, Rule 1101), exclusively, under the FSIA Statutes pursuant to 28 USC §1330.

20. It is an undisputed, conclusive presumption that the above-mentioned real party in interest is a not a CORPORATION, and, further, is not registered with any Secretary of State as a CORPORATION. Pursuant to Rule 12(b)(6), the Prosecuting Attorney has failed to state a claim for which relief can be granted to the Complainant, a FATAL DEFECT, and, therefore, the instant case and all related matters must be DISMISSED WITH PREJUDICE for lack of *in personam*, territorial, and subject matter jurisdiction, as well as for improper Venue, as well as pursuant to the 11th amendment Foreign State Immunity.

21. Moreover, the process in the (State) Alphanumeric code# **case number 1:10-cv-132** is not “regular on its face.” Regular on its Face -- “Process is said to be “regular on its face” when it proceeds from the court, officer, or body having authority of law to issue process of that nature, and which is legal in form, and contains nothing to notify, or fairly apprise any one that it is issued without authority.”

#### **TABLE OF DEFINITIONS**

**Foreign Court** The courts of a foreign state or nation. In the United States, this term is frequently applied to the courts of one of the States when their judgment or records are introduced in the courts of another.

**Foreign jurisdiction** Any jurisdiction foreign to that of the forum; e.g., a sister state or another country. Also, the exercise by a state or nation jurisdiction beyond its own territory. Long-arm service of process is a form of such foreign or extraterritorial jurisdiction

**Foreign laws** The laws of a foreign country, or of a sister state. In conflicts of law, the legal principles of jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws, and in that respect are called "*jus receptum*."

**Foreign corporation** A corporation doing business in one State though chartered or incorporated in another state is a foreign corporation as to the first state, and, as such, is required to consent to certain conditions and restrictions in order to do business in such first state. Under federal tax laws, a foreign corporation is one which is not organized under the law of one of the States or Territories of the United States. I.R.C. § 7701 (a) (5). Service of process on foreign corporation is governed by the Fed. R. Civ. P. 4 See also Corporation.

**Foreign service of process** Service of process for the acquisition of jurisdiction by a court in the United States upon a person in a foreign country is prescribed by Fed R. Civ. P. 4 (i) and 28 U.S.C.A. § 1608. Service of process on foreign corporations is governed by Fed. R. Civ. P. 4(d) (3).

**Foreign states** Nations which are outside the United States. Term may also refer to another state; i.e. a sister state.

**Foreign immunity** With respect to jurisdictional immunity of foreign states, see 28 USC, Sec. §1602 *et seq.* Title 8 USC, Chapter 12, Subchapter I, Sec. §1101(14) The term "foreign state" includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

**Profiteering** Taking advantage of unusual or exceptional circumstance to make excessive profit; e.g. selling of scarce or essential goods at inflated price during time of emergency or war.

**Person** In general usage, a human being (i.e. natural person) though by statute the term may include a firm, labor organizations, partnerships, associations, corporations, legal representative, trusts, trustees in bankruptcy, or receivers. National Labor Relations Act, §2(1).

**Definition of the term "person"** under Title 26, Subtitle F, Chapter 75, Subchapter D, Sec. Sec. §7343

The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs. A **corporation** is a "person" within the meaning of equal protection and due process provisions of the United States Constitution.



1  
2 **Tertius interveniens** A third party intervening; a third party who comes between the parties  
3 to a suit; one who interpleads. Gilbert's Forum Romanum. 47.

4 **Writ of error Coram nobis** A common-law writ, the purpose of which is to correct a  
5 judgment in the same court in which it was rendered, on the ground of error of fact, for which it  
6 was statutes provides no other remedy, which fact did not appear of record, or was unknown to  
7 the court when judgment was pronounced, and which, if known would have prevented the  
8 judgment, and which was unknown, and could of reasonable diligence in time to have been  
9 otherwise presented to the court, unless he was prevented from so presenting them by duress, fear,  
10 or other sufficient cause."A writ of error *Coram nobis* is a common-law writ of ancient origin  
11 devised by the judiciary, which constitutes a remedy for setting aside a judgment which for a valid  
12 reason should never have been rendered." 24 C.J.S., Criminal Law. § 1610 (2004). "The principal  
13 function of the **writ of error Coram nobis** is to afford to the court in which an action was tried an  
14 opportunity to correct its own record with reference to a vital fact not known when the judgment  
15 was rendered, and which could not have been presented by a motion for a new trial, appeal or  
16 other existing statutory proceeding." Black's Law Dictionary., 3rd ed., p. 1861; 24 C.J.S.,  
17 Criminal Law, § 1606 b., p. 145; *Ford v. Commonwealth*, 312 Ky. 718, 229 S.W.2d 470. At  
common law in England, it issued from the Court of Kings Bench to a judgment of that court. Its  
principal aim is to afford the court in which an action was tried an opportunity to correct its own  
record with reference to a vital fact not known when the judgment was rendered. It is also said that  
at common law it lay to correct purely ministerial errors of the officers of the court.

18 Furthermore, the above-mentioned "real party in interest" demands the strict adherence to  
19 Article IV, section one of the National Constitution so that in all matters before this court, the Full  
20 Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings  
21 of every other State; and to Article IV of the Articles of Confederation, still in force pursuant to  
22 Article VI of the National Constitution, so that "Full faith and credit shall be given in each of  
23 these States to the records, acts, and judicial proceedings of the courts and magistrates of every  
24 other State," selective incorporation notwithstanding. The *lex domicilii* shall also depend upon the  
25 Natural Domicile of the above-mentioned "real party in interest." The *lex domicilii*, involves the  
26 "law of the domicile" in the Conflict of Laws. Conflict is the branch of public law regulating all  
27 lawsuits involving a "foreign" law element where a difference in result will occur depending on  
28 which laws are applied.

BLACK'S LAW DICTIONARY ABRIGED FIFTH EDITION:

"Street Name"

"Securities held in the name of a broker instead of his customer's name are said to be carried in a "street name". This occurs when the securities have been bought on margin or when the customer wishes the security to be held by the broker. The name of a broker or bank appearing on a corporate security with blank endorsement by the broker or bank. The security can then be transferred merely by delivery since the endorsement is well known. Street name is used for convenience or to shield identity of the true owner."

#### CUSIP Definition:

CUSIP® Is a registered trademark of the American Bankers Association .:

Acronym CUSIP refers to the Committee on Uniform Security Identification Procedures.

The acronym CUSIP typically refers to both the Committee on Uniform Security Identification Procedures and the 9-character alphanumeric security identifiers that they distribute for all North American securities for the purposes of facilitating clearing and settlement...

#### First 6 Characters

- Identifies the unique name of the:
  - Company
  - Municipality
  - Government agency
- A hierarchical alpha numeric convention linked to alphabetic issuer name

#### Next 2 Characters

- Identifies the type of instrument:
  - Equity
  - Debt
- Uniquely identifies the issue within the issuer
- A hierarchical alpha numeric convention

#### Next 1 Character

- A mathematical formula checks accuracy of the previous 8 characters • Delivers a 1 character check result



## Resulting 9 Characters

- A unique identifier

- \* CUSIP® - Universally recognized identifier for financial instruments.

- \* CINS - CUSIP International Numbering System

- \* CSB ISIN - Participation in the assignment of CUSIP-based International Securities

## Identification Numbers

### CINS

CUSIP International Numbering System (CINS) is a 9-character alphanumeric identifier that employs the same numbering system as CUSIP, but also contains a letter of the alphabet in the first position signifying the issuer's country or geographic region. CINS was developed in 1989 as an extension to CUSIP in response to U.S. demand for global coverage, and is the local identifier of more than 30 non-North American markets.

### CSB ISIN

The International Securities Identification Number (ISIN) is a unique global code that identifies instruments in different countries to facilitate cross-border trading. CSB is responsible for the assignment of ISINs in the U.S. and in other areas where designated or appointed. CSB ISINs are 12 character identifiers that have a CUSIP or CINS embedded in them, which always appear in position 3 to 11.

CSB has agents in countries such as Canada, Bermuda, The Cayman Islands and Jamaica, and is also the representative agency for countries in South America. Because of this, it was necessary to develop a separate identification system to designate CSB-assigned securities from these jurisdictions.

### **The American Bankers Association:**

The American Bankers Association (ABA) is a free-trade and professional association that promotes and advocates issues important to the banking industry in the United States. The ABA's national headquarters are in Washington, D.C. In addition to its trade association mission, the ABA also performs educational components for consumers through its Educational Foundation affiliate.

Organization:

1  
2 While the ABA works on a national level, it also is supported by state operated offices  
3 (sometimes referred to as "Leagues") which focus attention on state level support. Both the ABA  
4 and the state organizations are dues supported trade associations. Both the state and national  
5 offices also operate Political Action Committees (PACs) which use registered lobbyists to work  
6 for laws that are advantageous for the banking industry. The president of the ABA is Edward  
Yingling.

7 Political action committee;

8 In the United States, a Political Action Committee, or PAC, is the name commonly given to a  
9 private group, regardless of size, organized to elect political candidates. Legally, what constitutes  
10 a "PAC" for purposes of regulation is a matter of state and federal law. Under the Federal Election  
11 Campaign Act, an organization becomes a "political committee" by receiving contributions or  
12 making expenditures in excess of \$1,000 for the purpose of influencing a federal election.

13 When an interest group gets directly involved within the political process, a PAC is created.  
14 These PACs receive and raise money from the special group's constituents, and on behalf of the  
15 special interest, makes donations to political campaigns.

#### 16 **American Federation of State, County and Municipal Employees**

17 **The American Federation of State, County and Municipal Employees (AFSCME)** is the  
18 second- or third-largest labor union in the United States and one of the fastest-growing,  
19 representing over 1.4 million employees, primarily in local and state government and in the health  
20 care industry. AFSCME is part of the AFL-CIO, one of the two main labor federations in the  
21 United States. Employees at the federal government level are primarily represented by other  
22 unions, such as the American Federation of Government Employees, with which AFSCME was  
23 once affiliated, and the National Treasury Employees Union; but AFSCME does represent some  
federal employees at the Federal Aviation Administration and the Library of Congress, among  
others.[1]

24 According to their website, AFSCME organizes for social and economic justice in the  
25 workplace and through political action and legislative advocacy. It is divided into more than 3,500  
26 local unions in 46 U.S. states, plus the District of Columbia and Puerto Rico. Each local union  
27 writes its own constitution, holds membership meetings, and elects its own officers. Councils are  
28 also a part of AFSCME's administrative structure, usually grouping together various locals in a  
geographic area.

According to OpenSecrets.org, the top contributors since 1988 ranked by their total spending along with the party tilt of their contributions are:

| Rank | Organization | Total        | Dem % | Repub % | Tilt                   |
|------|--------------|--------------|-------|---------|------------------------|
| 1    | AFSCME       | \$39,947,843 | 98%   | 1%      | Solidly Dem (over 90%) |

### **DECLARATION OF STATUS AND RIGHT OF AVOIDANCE**

The above-mentioned Complainant, "the real party in interest" hereby declares the status of a "foreign state" as defined in 28 USC 1331(b)(1), as "a separate legal person, corporate or otherwise," (in the instant case, "otherwise"), (b)(2), "an organ (a vital part) of a foreign state" and (b)(3), "neither a citizen of a State of the United States as defined in section 1332(c)" (a corporation, an insurer, or the legal representative of a decedent, an infant or an incompetent), "nor created under the laws of any third country." Furthermore, the above-mentioned "real party in interest" is not an artificial, corporate "person" as defined and created by PUBLIC STATUTES, and is not a juristic person which may be "affected" by PUBLIC STATUTES; but, is invested with and bears the status, condition and character of "a sovereign without subjects." The above-mentioned "real party in interest" is always and at all times present in his [her] "asylum home state," which is "the common case of the place of birth, *domicilium originis*," also referred to as Natural Domicile, which is "the same as domicile of origin or domicile by birth," (See *Johnson v. Twenty-One Bales*, 13 Fed.Cas. 863; Black's Law Dictionary, 4th edition), which is the source and the seat of his [her] sovereignty and immunity. Accordingly, the above-mentioned "real party in interest" exercises his (her) Right of Avoidance and hereby rejects the offered commercial venture and declines to fuse with or to animate the above-mentioned Defendant in Error, or to stand as STRAWMAN (PERSON), which is defined in Barron's Law Dictionary, 4th edition, (1996), as "a term referred to in commercial and property contexts when a transfer is made to a third party, the strawman [person], simply for the purpose of retransferring to the transferee in order to accomplish some purpose not otherwise permitted," *i.e.*, obtaining jurisdiction over the above-mentioned "real party in interest" or relying upon the rebuttable presumption that the above-mentioned "real party in interest" is a corporation. The definition also contains the admonition to "See dummy," which, at that entry is therein defined as "a strawman; a sham." The above-mentioned party is, NOT a strawman, NOT a sham, and is certainly NOT a dummy. This DECLARATION OF STATUS constitutes a conclusive presumption, of which the court is bound to take NOTICE, that the "real party in interest" is NOT a corporation;

and, the court can exercise no jurisdiction whatsoever over the "real party in interest" or in the above-captioned case, but is duty-bound according to the due process of the law, to which the above-mentioned "real party in interest" is a belligerent claimant, and by the Rule of Law to DISMISS, QUASH and (OR REVERSE) it.

Black's Law Dictionary, Abridged Fifth Edition defines

"Quash"

To overthrow; abate; to vacate; to annul; to make void; *e.g.* to quash an indictment. *e.g.* to quash a **warrant**.

#### TABLE OF AUTHORITIES – PERSON

"This word 'person' and its scope and bearing in the law, involving, as it does, legal fictions and also apparently natural beings, it is difficult to understand; but it is absolutely necessary to grasp, at whatever cost, a true and proper understanding to the word in all the phases of its proper use . . . A person is here not a physical or individual person, but the status or condition with which he is invested . . . not an individual or physical person, but the status, condition or character borne by physical persons . . . The law of persons is the law of status or condition." -- American Law and Procedure, Vol. 13, page 137, 1910.

The following case citation declares the undisputed distinction in fact and at law of the distinction between the term "persons," which is the plural form of the term "person," and the word "People" which is NOT the plural form of the term "person." The above-mentioned "real party in interest" is NOT a subordinate "person," "subject," or "agent," but is a "constituent," in whom sovereignty abides, a member of the "Posterity of We, the People," in whom sovereignty resides, and from whom the government has emanated: "The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the people, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government." (Persons are not people).--*Spooner v. McConnell*, 22 F 939, 943: "Our government is founded upon compact. Sovereignty was, and is, in the people" --*Glass v. Sloop Betsey*, supreme Court, 1794. "people of a state are entitled to all rights which formerly belong to the King, by his prerogative." --supreme Court, *Lansing v. Smith*, 1829. "The United States, as a whole, emanates from the people ... The people, in their capacity as sovereigns, made and adopted the Constitution ..." --supreme Court, 4 Wheat 402. "The governments are but trustees acting under derived authority and have no power to delegate what is

not delegated to them. But the people, as the original fountain might take away what they have delegated and entrust to whom they please. ... The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure." -- *Luther v. Borden*, 48 US 1, 12 LEd 581. "While sovereign powers are delegated to ... the government, sovereignty itself remains with the people" -- *Yick Wo v. Hopkins*, 118 U.S. 356, page 370. "There is no such thing as a power of inherent sovereignty in the government of the United States .... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." -- *Julliard v. Greenman*, 110 U.S. 421. "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it." -- *Wilson v. Omaha Indian Tribe* 442 US 653, 667 (1979). "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it." -- *U.S. v. Cooper*, 312 US 600, 604, 61 SCt 742 (1941). "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so." -- *U.S. v. United Mine Workers of America*, 330 U.S. 258, 67 SCt 677 (1947). "Since in common usage, the term 'person' does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it." -- *US v. Fox* 94 US 315. "In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign." -- *U.S. v. General Motors Corporation*, D.C. Ill, 2 F.R.D. 528, 530: The following two case citations declare the undisputed doctrine, in fact and at law, that the word (term of art) "person" is a "general word," and that the "people," of whom the above-mentioned "real party in interest" is one, "are NOT bound by general words in statutes." Therefore, statutes do not apply to, operate upon or affect the above-mentioned "real party in interest." **"The word 'person' in legal terminology is perceived as a general word"** which normally includes in its scope a variety of entities other than human beings., -- *Church of Scientology v. US Department of Justice* 612 F2d 417, 425 (1979). **"The people, or sovereign are not bound by general words in statutes,** restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King or the people. The people have been ceded all the rights of the King, the former sovereign ... It is a maxim of the common law, that when an act is made for the common good and to prevent injury, the King shall be bound, though not named, but when a statute is general and prerogative right would be divested or taken from the King (or the People) he shall not be bound." -- *The People v. Herkimer*, 4 Cowen (NY) 345, 348 (1825): "In the United States, sovereignty resides in people." -- *Perry v. U.S.* (294 US 330). "A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the

Right depends." --*Kawananakoa v. Polyblank*, 205 U.S. 349, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).

#### **TABLE OF AUTHORITIES—LACK OF SUBJECT MATTER JURISDICTION**

In a court of limited jurisdiction, whenever a party denies that the court has subject-matter jurisdiction, it becomes the duty and the burden of the party claiming that the court has subject matter jurisdiction to provide evidence from the record of the case that the court holds subject-matter jurisdiction. *Bindell v City of Harvey*, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991) ("the burden of proving jurisdiction rests upon the party asserting it."). Until the plaintiff submits uncontroversial evidence of subject-matter jurisdiction to the court that the court has subject-matter jurisdiction, the court is proceeding without subject-matter jurisdiction. *Loos v American Energy Savers, Inc.*, 168 Ill.App.3d 558, 522 N.E.2d 841(1988)("Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff."). The law places the duty and burden of subject-matter jurisdiction upon the plaintiff. Should the court attempt to place the burden upon the defendant, the court has acted against the law, violates the defendant's due process rights, and the judge under court decisions has immediately lost subject-matter jurisdiction. In a court of limited jurisdiction, the court must proceed exactly according to the law or statute under which it operates. *Flake v Pretzel*, 381 Ill. 498, 46 N.E.2d 375 (1943) ("the actions, being statutory proceedings, ...were void for want of power to make them.") ("The judgments were based on orders which were void because the court exceeded its jurisdiction in entering them. Where a court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the jurisdiction conferred, its judgment is void."); *Armstrong v Obucino*, 300 Ill. 140, 143, 133 N.E. 58 (1921) ("The doctrine that where a court has once acquired jurisdiction it has a right to decide every question which arises in the cause, and its judgment or decree, however erroneous, cannot be collaterally assailed, is only correct when the court proceeds according to the established modes governing the class to which the case belongs and does not transcend in the extent and character of its judgment or decree the law or statute which is applicable to it." *In Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Where a court's power to act is controlled by statute, the court is governed by the rules of limited jurisdiction, and courts exercising jurisdiction over such matters must proceed within the strictures of the statute."); *In re Marriage of Milliken*, 199 Ill.App.3d 813, 557 N.E.2d 591 (1st Dist. 1990) ("The jurisdiction of a court in a dissolution proceeding is limited to that conferred by statute."); *Vulcan Materials Co. v. Bee Const. Co., Inc.*, 101 Ill.App.3d 30, 40, 427 N.E.2d 797 (1st Dist. 1981) ("Though a court be one of general jurisdiction, when its power to act on a particular matter is controlled by statute, the



1 court is governed by the rules of limited jurisdiction." "There is no discretion to ignore that lack  
2 of jurisdiction." *Joyce v. US*, 474 F2d 215. "A universal principle as old as the law is that a  
3 proceedings of a court without jurisdiction are a nullity and its judgment therein without effect  
4 either on person or property." *Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732.  
5 "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to  
6 hear is void ab initio." *In Re Application of Wyatt*, 300 P. 132; *Re Cavitt*, 118 P2d 846. "Thus,  
7 where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its  
8 proceedings are absolutely void in the fullest sense of the term." *Dillon v. Dillon*, 187 P 27. "A  
9 court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a  
10 tribunal is its power to act, and a court must have the authority to decide that question in the first  
11 instance." *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed.  
12 1666, 67 S.Ct. 1409. "A departure by a court from those recognized and established requirements  
13 of law, however close apparent adherence to mere form in method of procedure, which has the  
14 effect of depriving one of a constitutional right, is an excess of jurisdiction." *Wuest v. Wuest*, 127  
15 P2d 934, 937. "Where a court failed to observe safeguards, it amounts to denial of due process of  
16 law, court is deprived of juris." *Merritt v. Hunter*, C.A. Kansas 170 F2d 739. "the fact that the  
17 petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is  
18 circumstance to be considered in determining whether in first instance there was a probable cause  
19 for the arrest." *Monroe v. Papa*, DC, Ill. 1963, 221 F Supp 685. "Jurisdiction, once challenged, is  
20 to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of  
21 proof of jurisdiction lies with the asserter." See *McNutt v. GMAC*, 298 US 178. The origins of  
22 this doctrine of law may be found in *Maxfield's Lessee v. Levy*, 4 US 308. "A court has no  
23 jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its  
24 power to act, and a court must have the authority to decide that question in the first instance."  
25 *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67  
26 S.Ct. 1409. "Once jurisdiction is challenged, **the court cannot proceed** when it clearly appears  
27 that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should  
28 dismiss the action." *Melo v. US*, 505 F2d 1026. "The law provides that once State and Federal  
jurisdiction has been challenged, it must be proven." --*Main v. Thiboutot*, 100 S. Ct. 2502 (1980).  
"Once jurisdiction is challenged, it must be proven." --*Hagens v. Lavine*, 415 U.S. 533. "Where  
there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer  
no right, offer no protection, and afford no justification, and may be rejected upon direct collateral  
attack." --*Thompson v. Tolmie*, 2 Pet. 157, 7 L.Ed. 381; *Griffith v. Frazier*, 8 Cr. 9, 3L. Ed. 471.  
"No sanctions can be imposed absent proof of jurisdiction." --*Standard v. Olsen*, 74 S. Ct.  
768; Title 5 U.S.C., Sec. 556 and 558 (b).

1 "The proponent of the rule has the burden of proof." --Title 5 U.S.C., Sec. 556 (d).  
2 "Jurisdiction can be challenged at any time, even on final determination." --*Basso v. Utah Power*  
3 & *Light Co.*, 495 2nd 906 at 910. "Mere good faith assertions of power and authority  
4 (jurisdiction) have been abolished." --*Owens v. The City of Independence*, "A departure by a  
5 court from those recognized and established requirements of law, however close apparent  
6 adherence to mere form in method of procedure, which has the effect of depriving one of a  
7 constitutional right, is an excess of jurisdiction." --*Wuest v. Wuest*, 127 P2d 934, 937. "In a court  
8 of limited jurisdiction, whenever a party denies that the court has subject-matter jurisdiction, it  
9 becomes the duty and the burden of the party claiming that the court has subject matter  
10 jurisdiction to provide evidence from the record of the case that the court holds subject-matter  
11 jurisdiction." --*Bindell v City of Harvey*, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991)  
12 ("the burden of proving jurisdiction rests upon the party asserting it."). "Until the plaintiff submits  
13 uncontroversial evidence of subject-matter jurisdiction to the court that the court has subject-  
14 matter jurisdiction, the court is proceeding without subject-matter jurisdiction."--*Loos v American*  
15 *Energy Savers, Inc.*, 168 Ill.App.3d 558, 522 N.E.2d 841(1988)("Where jurisdiction is contested,  
16 the burden of establishing it rests upon the plaintiff."). The law places the duty and burden of  
17 subject-matter jurisdiction upon the plaintiff. Should the court attempt to place the burden upon  
18 the defendant, the court has acted against the law, violates the defendant's due process rights, and  
19 the judge under court decisions has immediately lost subject-matter jurisdiction. In a court of  
20 limited jurisdiction, the court must proceed exactly according to the law or statute under which it  
21 operates. --*Flake v Pretzel*, 381 Ill. 498, 46 N.E.2d 375 (1943) ("the actions, being statutory  
22 proceedings, ...were void for want of power to make them.") ("The judgments were based on  
23 orders which were void because the court exceeded its jurisdiction in entering them. Where a  
24 court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the  
25 jurisdiction conferred, its judgment is void."); *Armstrong v Obucino*, 300 Ill. 140, 143, 133 N.E.  
26 58 (1921) "The doctrine that where a court has once acquired jurisdiction it has a right to decide  
27 every question which arises in the cause, and its judgment or decree, however erroneous, cannot  
28 be collaterally assailed, is only correct when the court proceeds according to the established  
modes governing the class to which the case belongs and does not transcend in the extent and  
character of its judgment or decree the law or statute which is applicable to it." *In Interest of M.V.*,  
288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Where a court's power to act is controlled  
by statute, the court is governed by the rules of limited jurisdiction, and courts exercising  
jurisdiction over such matters must proceed within the strictures of the statute."); *In re Marriage*  
*of Milliken*, 199 Ill.App.3d 813, 557 N.E.2d 591 (1st Dist. 1990) ("The jurisdiction of a court in a  
dissolution proceeding is limited to that conferred by statute."); *Vulcan Materials Co. v. Bee*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Const. Co., Inc.*, 101 Ill.App.3d 30, 40, 427 N.E.2d 797 (1st Dist. 1981) ("Though a court be one of general jurisdiction, when its power to act on a particular matter is controlled by statute, the court is governed by the rules of limited jurisdiction.").

#### **TABLE OF AUTHORITIES – LACK OF JUDICIAL IMMUNITY**

Thus, neither Judges nor Government attorneys are above the law. See *United States v. Isaacs*, 493 F. 2d 1124, 1143 (7th Cir. 1974). In our judicial system, few more serious threats to individual liberty can be imagined than a corrupt judge or judges acting in collusion outside of their judicial authority with the Executive Branch to deprive a citizen of his rights. In *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (K.B. 1613), Sir Edward Coke found that Article 39 of the Magna Carta restricted the power of judges to act outside of their jurisdiction such proceedings would be void, and actionable.

When a Court has (a) jurisdiction of the cause, and proceeds *inverso ordine* or erroneously, there the party who sues, or the officer or minister of the Court who executes the precept or process of the Court, no action lies against them. But (b) when the Court has not jurisdiction of the cause, there the whole proceeding is before a person who is not a judge, and actions will lie against them without any regard of the precept or process . . . Id. 77 Eng. Rep. at 1038-41.

A majority of states including Virginia (see, Va. Code §8.01-195.3(3)), followed the English rule to find that a judge had no immunity from suit for acts outside of his judicial capacity or jurisdiction. Robert Craig Waters, 'Liability of Judicial Officers under Section 1983' 79 Yale L. J. (December 1969), pp. 326-27 and 29-30).

Also as early as 1806, in the United States there were recognized restrictions on the power of judges, as well as the placing of liability on judges for acts outside of their jurisdiction. In *Wise v. Withers*, 7 U.S. (3 Cranch) 331 (1806), the Supreme Court confirmed the right to sue a judge for exercising authority beyond the jurisdiction authorized by statute.

In *Stump v. Sparkman*, 435 U.S. 349 at 360 (1978), the Supreme Court confirmed that a judge would be immune from suit only if he did not act outside of his judicial capacity and/or was not performing any act expressly prohibited by statute. See Block, *Stump v Sparkman* and the History of Judicial Immunity, 4980 Duke L.J. 879 (1980). The Circuit Court overturned this case and the judge was liable.

Judicial immunity may only extend to all judicial acts within the court's jurisdiction and judicial capacity, but it does not extend to either criminal acts, or acts outside of official capacity or in the 'clear absence of all jurisdiction.' see *Stump v. Sparkman* 435 U.S. 349 (1978). "When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid Constitutional provisions or valid statutes expressly depriving him of jurisdiction or judicial capacity, judicial immunity is lost." --*Rankin v. Howard* 633 F.2d 844 (1980), *Den Zeller v. Rankin*, 101 S.Ct. 2020 (1981). As stated by the United States Supreme Court in *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872), 'where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction.' The constitutional requirement of due process of the law is indispensable: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty or property, without due process of law**; nor shall private property be taken for public use without just compensation." Article V, National Constitution. "A judgment can be void . . . where the court acts in a manner contrary to due process." --Am Jur 2d, §29 Void Judgments, p. 404. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." --*Merritt v. Hunter*, C.A. Kansas 170 F2d 739. "Moreover, all proceedings founded on the void judgment are themselves regarded as invalid." --*Olson v. Leith* 71 Wyo. 316, 257 P.2d 342. "In criminal cases, certain constitutional errors require **automatic reversal**," see *State v. Schmit*, 273 Minn. 78, 88, 139 N.W.2d 800, 807 (1966).

#### **TABLE OF AUTHORITIES – RECIPROCAL IMMUNITY AND FOREIGN AGENT REGISTRATION**

UNITED STATES INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT,  
PUBLIC LAW 79-291, 29 DECEMBER 1945(Public Law 291-79th Congress) TITLE I Section  
2.(b) International organizations, their property and their assets, wherever located and by  
whomsoever held, shall enjoy the same immunity from suit and every form of Judicial process as  
is enjoyed by foreign governments, except to the extent that such organizations may expressly  
waive their immunity for the purpose of any proceedings or by the terms of any contract. (d) In so  
far as concerns customs duties and internal-revenue taxes imposed upon or by reason of  
importation, and the procedures in connection therewith; the registration of foreign agents; and the  
treatment of official communications, the privileges, exemptions, and immunities to which

international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments. Section 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in this title, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: Provided, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States. Also see 22 USC § 611 - FOREIGN RELATIONS AND INTERCOURSE; and, 22 USC § 612, Registration statement, concerning the absolute requirement of registration with the Attorney General as a "foreign principal," due to the undisputed status of the court and its alleged officers and employees as FOREIGN AGENTS, described *supra*. This requirement shall be deemed to include, but is not limited to, an affidavit of non-communist association.

#### CORPORATION NAMES

##### DEL CODE TITLE 8 Chapters 6 § 617: Delaware Code - Section 617:

##### CORPORATE NAME

The corporate name of a corporation organized under this chapter shall contain either a word or words descriptive of the professional service to be rendered by the corporation or **shall contain the last names of** 1 or more of its present, prospective or former shareholders or of persons who were associated with a predecessor person, partnership, corporation or other organization or whose name or names appeared in the name of such predecessor organization.

##### Texas Administrative Code

Subject: 1 TAC § 79.31 CORPORATIONS (ENTITY NAMES)

##### § 79.31. Characters of Print Acceptable in Names

(a) Entity names may consist of letters of the Roman alphabet, Arabic numerals, and certain symbols capable of being reproduced on a standard English language typewriter, or combination thereof.

(b) **Only upper case or capitol letters, with no distinction as to type face or font, will be recognized.**

Delaware legislation March 10 1899

1  
2 “An Act Providing General Corporate Law” This Act allow the corporation to become a  
3 “PERSON”

4  
5 **UNITED STATES GOVERNMENT PRINTING OFFICE STYLE MANUAL**

6  
7 **3. Capitalization Rules**

8 (See also Chapter 4 “Capitalization Examples” and Chapter 9 “Abbreviations and Letter  
9 Symbols”)

10  
11 **Nationalities, etc.**

12 **5.22.** The table on Demonyms in Chapter 17 “Useful Tables” shows forms  
13 to be used for nouns and adjectives denoting nationality.

14 **5.23.** In designating the natives of the States, the following forms will be  
15 used.

16  
17 **SUPREME COURT RULING ON CORPORATE PERSON**  
18 **SANTA CLARA COUNTY v. SOUTHERN PAC. R. CO., 118 U.S. 394**

19 A **legal person**, also called **juridical person** or **juristic person**,<sup>[1]</sup> is a legal entity through  
20 which the law allows a group of **natural persons** to act as if they were a single composite  
21 **individual** for certain purposes, or in some jurisdictions, for a single person to have a separate  
22 legal personality other than their own.<sup>[2][3]</sup> This **legal fiction** does not mean these entities are  
23 human beings, but rather means that the law allows them to act as **persons** for certain limited  
24 purposes

25 New York Central R. Co. v. United States, 212 U.S. 481 (1909)

26 United States v. Dotterweich, 320 U.S. 277 (1943)

27  
28 **TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343**

*Sec. 7343. Definition of the term person.*

The term "person" as used in this chapter includes an officer or employee of a corporation, or  
a member or employee of a partnership, who as such officer, employee or member is under a duty  
to perform the act in respect of which the violation occurs

**ISSUE SIX:**  
**OFFICE OF ATTORNEY GENERAL**  
**AND U.S. ATTORNEY IS ADMINISTRATIVE ONLY**

The Judiciary Act of 1789 created the inferior courts and the Office of Attorney General, as well as the position of U. S. Attorney for each district. The history is set forth in the United States Attorneys' Manual: The States Attorney General Office and all whom prosecute in the NAME OF THE STATE come under the same judiciary act which created the inferior Courts of the States. **UNITED STATES ATTORNEYS' MANUAL**

**CHAPTER 3-2.000: United States Attorneys, Assistant United States Attorneys, Special Assistants, and the AGAC**

**3-2.110 HISTORY**

The Office of the United States Attorney was created by the Judiciary Act of 1789 which provided for the appointment "in each district of a meet person learned in the law to act as attorney for the United States ... whose duty it shall be to prosecute in each district all delinquents for crimes and offenses, recognizable under the authority of the United States, and all civil actions in which the United States shall be concerned ..." 1 Stat. 92. Initially, United States Attorneys were not supervised by the Attorney General (1 Op. Att'y Gen. 608) but Congress, in the Act of August 2, 1861, (Ch. 37, 12 Stat. 185) charged the Attorney General with the "general superintendence and direction duties ..." While the precise nature of the superintendence and direction was not defined, the Department of Justice Act of June 22, 1870 (Ch. 150, 16 Stat. 164) and the Act of June 30, 1906 (Ch. 39, 35, 34 Stat. 816) clearly established the power of the Attorney General to supervise criminal and civil proceedings in any district. *See* 22 Op. Att'y Gen. 491; 23 Op. Att'y Gen. 507. Today, as in 1789, the United States Attorney retains, among other responsibilities, the duty to "prosecute for all offenses against the United States." *See* 28 U.S.C. Sec. 547(1). This duty is to be discharged under the supervision of the Attorney General. *See* 28 U.S.C. Sec. 519.

**3-2.140 AUTHORITY**

Although the Attorney General has supervision over all litigation to which the United States or any agency thereof is a party, and has direction of all United States Attorneys, and their assistants, in the discharge of their respective duties (28 U.S.C. Secs. 514, 515, 519), each United States Attorney, within his/her district, has the responsibility and authority to: (a) prosecute for all

1 offenses against the United States; (b) prosecute or defend, for the government, all civil actions,  
 2 suits, or proceedings in which the United States is concerned; (c) appear on behalf of the  
 3 defendants in all civil actions, suits or proceedings pending in the district against collectors, or  
 4 other officers of the revenue or customs for any act done by them or for the recovery of any  
 5 money exacted by or paid to such officers, **and by them paid into the Treasury; (d) institute**  
 6 **and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for**  
 7 **violation of any revenue law unless satisfied upon investigation that justice does not require**  
 8 **such proceedings;** (e) make such reports as the Attorney General shall direct. 28 U.S.C. Sec. 547.

9 The Attorney General has limited jurisdiction to prosecute. The jurisdiction derives from  
 10 Article 1 section 8, to regulate commerce with foreign nations and among the several states and  
 11 with Indian Tribes. The Office of Attorney General of the federal and State government and all  
 12 employees under that office, lacks the authority to bring charges against the people. This would be  
 in violation of the aforementioned Article I, section 8.

13 Now that it has been shown that the position of Attorney General was created by Congress  
 14 under the Judiciary Act of 1789, making the Prosecutor's role Judicial, and not Executive /  
 15 administrative, the Attorney General falls under the 11th amendment:

16 "The Judicial power of the United States shall not be construed to extend to any suit  
 17 in law or equity, commenced or prosecuted against one of the United States by Citizens of  
 18 another State, or by Citizens or Subjects of any Foreign State."

19 The Office of Attorney General, and all employees of the Office of Attorney General,  
 20 lack the authority to set forth any action in any Court in LAW OR EQUITY, per the 11th  
 21 amendment, as the Office clearly comes under "Judicial" and not "Executive."

22 By virtue of this grant of statutory authority and the practical realities of representing the  
 23 United States throughout the country, United States Attorneys conduct most of the trial work in  
 24 which the United States is a party. They are the principal federal law enforcement officers in their  
 25 judicial districts. In the exercise of their prosecutorial discretion, United States Attorneys construe  
 26 and **implement the policy of the Department of Justice**. Their professional abilities and the  
 need for their impartiality in administering justice directly affect the public's perception of federal  
 law enforcement.

27 Now, by and through the 11th amendment, the Courts and the position of Attorney  
 28 General no longer derive Article III Constitutional standing, but now have Article I administrative



standing, thereby lacking any authority in Law or Equity, and limited to functioning as administrative review boards to hear cases against agencies, departments, and public officials brought by the people. The Courts and Prosecutors lack jurisdiction in any criminal action against the people, as they are, by Congressional mandate, administrative courts. They have no force in effect in Law or Equity, and any action is a "presumption," which is in direct conflict with the constitution, statutory laws, Congressional mandate and the procedures, as the facts have been placed before the Court and the prosecution, or if the State, as such, is a defendant, it is then required to rebut or disprove that such Congressional mandate, as laid out in this document, does not exist. The Court's only choice is to rule in favor of the Petitioner / People.

Black's Law Dictionary, Sixth Edition, defines "presumption" as follows:

A presumption is a rule of law, statutory or judicial, by which finding of a basic fact gives rise to existence of presumed fact, until presumption is rebutted. ... A legal device which operates in the absence of other proof to require that certain inferences be drawn from the available evidence.

#### ISSUE SEVEN:

#### PUBLIC OFFICIALS UNDER CONTRACT AS PER THE CONSTITUTION AND STATUTORY LAW

Those holding Public Office under the Constitution and Statutory Law have a WRITTEN contract with *We The People*. The contract clearly states there is compensation for the services. This compensation is for "Honest Service" as per WRITTEN contract / trust / charter, or whatever phrases that are used for the job position serving *We The People*. No one can hold such a position of trust without meeting the qualifications as found in the Statutes at Large; Oaths of Offices, and within the Constitution, Article VI clause 3: "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or Public Trust under the United States." In no place does the Constitution allow pay over and above the set compensation. Any other remuneration is **dishonest service**, and not part of the original WRITTEN contract *We The People*.

1  
2 The federal statutes also address pay allotment. Federal and State funding and grants give  
3 allotment to all public offices. When *the people* have provided compensation to the public  
4 officials and then are further charged for services which have already received compensation, and  
5 then fail to get remedy, this becomes Honest Services fraud upon the people. When public offices  
6 sell their position for credit standing while receiving compensation from the people, this  
7 constitutes Honest Services fraud. When public officials use their public position to aid any other  
8 agency or department in order to enhance their own revenue, this is fraud, and to receive federal or  
9 grant funding in addition to their pay violates Honest Service. Any public official that receives  
10 funding in addition to their own compensation under the Constitution would be deemed to have  
11 overthrown a Constitutional form of government. Below are listed the foundations of public  
12 office.

13 **The Petitioner well reminds the Court under Article III section 2 also deal in**  
14 **contract law. When the Eleventh was passed not only was judicial power restricted so was**  
15 **the law of contract, your offices comes now under common law private contract to the**  
16 **people under commerce condition to pay.**

17 **Article I Section 6 clause 1**

18 The Senators and Representatives shall receive a compensation for their services, to be  
19 ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except  
20 treason, felony and breach of the peace, be privileged from arrest during their attendance at the  
21 session of their respective Houses, and in going to and returning from the same; and for any  
22 speech or debate in either House, they shall not be questioned in any other place.

23 **Article II section 1 clause 7**

24 The President shall, at stated times, receive for his services, a compensation, which shall  
25 neither be increased nor diminished during the period for which he shall have been elected, and he  
26 shall not receive within that period any other emolument from the United States, or any of them.

27 **Article III section 1 clause 1**

28 The judicial power of the United States, shall be vested in one Supreme Court, and in such  
inferior courts as the Congress may from time to time ordain and establish. The judges, both of  
the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated  
times, receive for their services, a compensation, which shall not be diminished during their  
continuance in office.



**TITLE 5 > PART III > Subpart D > CHAPTER 55 > SUBCHAPTER I**

**§5507. Officer affidavit; condition to pay**

An officer required by section 3332 of this title to file an affidavit may not be paid until the affidavit has been filed.

**TITLE 5 > PART III > Subpart B > CHAPTER 33 > SUBCHAPTER II**

**§3332. Officer affidavit; no consideration paid for appointment**

An officer, within 30 days after the effective date of his appointment, shall file with the oath of office required by section 3331 of this title an affidavit that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing the appointment.

**TITLE 5 > PART III > Subpart B > CHAPTER 33 > SUBCHAPTER II**

**§3331. Oath of office**

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." This section does not affect other oaths required by law.

**TITLE 5 > PART III > Subpart B > CHAPTER 33 > SUBCHAPTER II**

**§3333. Employee affidavit; loyalty and striking against the Government**

(a) Except as provided by subsection (b) of this section, an individual who accepts office or employment in the Government of the United States or in the government of the District of Columbia shall execute an affidavit within 60 days after accepting the office or employment that his acceptance and holding of the office or employment does not or will not violate section 7311 of this title. The affidavit is prima facie evidence that the acceptance and holding of office or employment by the affiant does not or will not violate section 7311 of this title.

(b) An affidavit is not required from an individual employed by the Government of the United States or the government of the District of Columbia for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. This subsection does not relieve an individual from liability for violation of section 7311 of this title.

**TITLE 5 > PART III > Subpart F > CHAPTER 73 > SUBCHAPTER II**

**§7311. Loyalty and striking**

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

#### **TITLE 18 > PART I > CHAPTER 93 >**

##### **§1918. Disloyalty and asserting the right to strike against the Government**

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he -

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia; shall be fined under this title or imprisoned not more than one year and a day, or both.

#### **TITLE 18 > PART I > CHAPTER 63**

##### **§1346. Definition of "scheme or artifice to defraud"**

For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

#### **TITLE 10 > Subtitle A > PART I > CHAPTER 15**

##### **§333. Interference with State and Federal law**

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

## **FEDERAL OFFICIALS**

**Table 1. Salaries of Federal Officials**

**Position Jan. 2003 Jan. 2004 Jan. 2005**

### **Legislative Branch**

Vice President of the United States (President of the Senate) \$198,600 \$203,000 \$208,100  
 Speaker of the House of Representatives 198,600 203,000 208,100  
 President Pro Tempore of the Senate 171,900 175,700 180,100  
 Majority and Minority Leaders — House and Senate 171,900 175,700 180,100  
 Senators, Representatives, Resident Commissioner of Puerto Rico, and Delegates 154,700  
 158,100 162,100

### **Judicial Branch**

Chief Justice of the United States \$198,600 \$203,000 \$208,100  
 Associate Justices of the Supreme Court 190,100 194,300 199,200  
 Judges, U.S. Courts of Appeal 164,000 167,600 171,800  
 Judges, U.S. Court of Appeals for the Armed  
 Services 164,000 167,600 171,800  
 Judges, U.S. District Courts 154,700 158,100 162,100  
 Judges, United States Court of Federal Claims 154,700 158,100 162,100  
 Judges, United States Court of International  
 Trade 154,700 158,100 162,100  
 Judges, Tax Court of the United States 154,700 158,100 162,100  
 Judges, U.S. Court of Appeals for Veterans  
 Claims 154,700 158,100 162,100  
 Bankruptcy Judges 142,300 145,500 149,132  
 Magistrate Judges 142,300 145,500 149,132

### **Executive Branch**

President of the United States a \$400,000 \$400,000 \$400,000  
*Executive Schedule*  
 Level I: Cabinet-level officials \$171,900 \$175,700 \$180,100

1 Level II: Deputy secretaries of departments, secretaries of military departments, & heads of  
2 major agencies 154,700 158,100 162,100

3 Level III: Under secretaries of departments & heads of middle-level agencies 142,500  
4 145,600 149,200

5 Level IV: Assistant secretaries & general counsels of departments, heads of minor agencies,  
6 members of certain boards & commissions 134,000 136,900 140,300

7 Level V: Administrators, commissioners, directors, & members of boards, commissions, or  
8 units of agencies 125,400 128,200 131,400

### 9 **Clerk of Court**

10 **CLERK OF COURT:** United States District Court, Southern District of New York. Manhattan,  
11 New York City, NY. Salary: \$174,000 (2010).

12 **CLERK OF COURT:** United States Bankruptcy Court, Eastern District of California.  
13 Sacramento, CA. Salary: \$142,783 - \$174,000 (2010).

14 **COURT CLERK 1:** Second Judicial District Court. Washoe County, NV. Salary: \$26,332 -  
15 \$55,577 (2010).

16 **CLERK OF COURT:** United States Court of Appeals, Eleventh Circuit. Atlanta, GA. Salary:  
17 \$156,734 - \$162,900 (2009).

18 **CLERK OF DISTRICT COURT II:** North Dakota Court System. Fargo, ND. Salary: \$4,678  
19 monthly starting salary with an increase to \$4,871 monthly upon successful completion of  
20 probationary period (2009).

21 **CLERK OF COURT:** United States Bankruptcy Court, Central District of California. Los  
22 Angeles, California. Salary: \$167,258 - \$174,000 (2009).

23 **CLERK OF COURT:** United States Court of Appeals, Fifth Circuit. New Orleans, LA. Salary:  
24 \$150,533 - \$163,389 (2009).

25 **ASSISTANT CLERK OF COURT:** Office of Court Administration, Second Judicial District  
26 Court. Reno, Nevada. Salary: \$71,614 - \$103,854. (2009).

27 **CLERK OF THE COURT:** United States District and Bankruptcy Court, District of Idaho.  
28 Boise, Idaho.

**CASE INITIATION CLERK:** Eleventh Circuit, United States Court of Appeals, Atlanta GA..  
Salary: \$35,161-\$48,545. (2009)

**CLERK OF COURT:** U.S. Bankruptcy Appellate Panel, 9th Circuit. Pasadena, CA. Salary:  
\$105,566 - \$137,242; \$105,566 - \$137,242. (2009)

**DEPUTY COURT EXECUTIVE OFFICER 2:** Bernalillo County Metropolitan Court,  
Administration Division, Human Resource Division. Albuquerque, NM. Salary: \$59,290 -  
\$74,112/annually DOE. (2009)

**CLERK OF THE SUPREME COURT:** New Jersey Judiciary. NJ. Salary: \$104,010 -  
\$137,821. (2009)

**CLERK OF THE COURT:** District Court of Oregon, Portland OR. Salary: \$158,267 – 171,784. (2009)

**CLERICAL ASSISTANT:** Office of Attorney Ethics, Supreme Court of NJ, AOC. Ewing, NJ. Salary: \$18.00/hour. (2009)

**RECORDS CLERK:** United States District Court, Northern District of Ohio; Cleveland, OH. Salary: \$31,644 - \$51,424. (2009)

**CLERK OF THE DISTRICT COURT II:** North Dakota Court System; Fargo, ND. Salary: \$4,678 monthly. (2009)

**CLERK OF THE BANKRUPTCY COURT:** Eastern District of Wisconsin, U.S. Bankruptcy Court. Milwaukee, Wisconsin. Salary: \$111,349 - \$149,978. (2008)

**CLERK OF COURT:** U.S. District Court for the Western District of Michigan, Grand Rapids... Salary: \$126,618 - \$157,999 (2008)

**CLERK OF CIRCUIT COURT:** Circuit Court, Eau Clair County, WI. Salary: \$59,172 - \$60,651 (2008)

**CLERK OF COURT:** United States Bankruptcy Court, District of Arizona, Phoenix, AZ.. Salary: \$109,450 - \$158,500 (2008)

**CLERK OF THE BANKRUPTCY COURT:** United States Bankruptcy Court, Eastern District of Wisconsin, Milwaukee, WI.. Salary: \$111,349-\$149,978. (2008)

**CLERK OF THE SUPREME JUDICIAL COURT:** State of Maine Judicial Branch, Portland, ME. Salary: \$50,533-\$65,818. (2007)

**CLERK OF THE COURT II:** Second District Juvenile Court, Salt Lake City, UT.. Salary: \$20.06 – \$24.92 per hour. (2007)

**CLERK OF COURT:** United States Bankruptcy Court, Eastern District of New York.. Salary: \$154,600 - \$165,200 (2007)

**STAFF ATTORNEY (Trial Court Law Clerk):** Salary: \$43,403.40 (2007)

**DISTRICT COURT ADMINISTRATOR/CLERK OF THE COURT:** Second Judicial District Court, Washoe County, (work in Reno, Nevada) Salary: \$80,122 - \$124,218 (2007)

**CLERK OF COURT III:** Salida, CO... Salary: \$3,494 - \$4,683 / Month. (2007)

**COUNTY CLERK:** Whatcom County, Bellingham, WA. Salary: \$67,500 - \$93,168. (2006)

**COURT EXECUTIVE OFFICER:** Superior Court of California, County of Sacramento.. Salary: Commensurate with experience. (2006)

**CLERK OF COURT:** U.S. Bankruptcy Court, Northern District of Alabama.. Salary: \$138,685 - \$150,664. (2006)

**CLERK OF THE COURT:** U.S. District Court, Eastern District of Wisconsin. Salary: \$141,422 - \$153,637. (2006)

**CLERK OF THE COURT IV:** Anchorage, Alaska. rectly to the Presiding Judge. Perform other duties as assigned by the ACA or Presiding Judge. Salary: \$5,162.00 monthly. (2006)

**Chief Deputy Clerk of Court**

**CHIEF DEPUTY CLERK:** United States Court of Appeals, Eleventh Circuit. Atlanta, GA. **Qualifications:** Applicants must possess a minimum of six years of progressively responsible managerial or administrative experience, three of which must have involved extensive management responsibility, preferably in an appellate or federal court environment. Salary: \$139,383 - \$165,300 (2010).

**CHIEF DEPUTY CLERK (TYPE II):** United States Bankruptcy Court, Western District of Washington. Seattle, WA. . Salary: \$59,978 - \$162,900 (2009).

**CHIEF DEPUTY CLERK:** Superior Court of the Virgin Islands, St. Thomas-St. John District. St. Thomas and St. Croix, Virgin Islands.. Salary: \$62,085 - \$101,733 (2010).

**DEPUTY DIRECTOR FOR CLERK OF SUPERIOR COURT:** Maricopa County, AZ.. Salary: \$93,600 to \$108,160 (2009).

**CONCLUSION AND RECTUM ROGARE**

The facts and the law contained herein are the Truth; and we hold said Truths to be self-evident; and self-evident Truths are undisputed and incontrovertible, no oral argument is requested, for no words can alter or overcome these Truths; an Truth is Sovereign: She comes from God and bears His message, from whatever quarter her great eyes may look down upon you; Psalms 117:2; John 8:32; II Corinthians. 13:8; THEREFORE; this court must perform its duty under the Rule of Law, do Justice, *Rectum Rogare*, and issue an ORDER Granting Declaratory Judgment Petitioned for in Plaintiff's Complaint in this court (above-captioned) alphanumeric code # 1-10-CV-132 without delay for "Justice delayed is Justice denied." Rectum Rogare - "to do right; to petition the judge to do right." --Black's Law Dictionary 4th edition.

**AMENDATORY RECONSTRUCTION ACT OF MARCH 11, 1868**

An Act to amend the act passed March 23, 1867, entitled "An Act supplementary to 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration. SUPPLEMENTARY RECONSTRUCTION ACT OF FORTIETH CONGRESS. An Act supplementary to an act entitled "An act to provide for the more efficient government of the rebel states," passed March second, eighteen hundred and sixty-seven, and to facilitate restoration." This act created the 14th amendment federal citizen under section 3 of the



1 federal constitution. All who hold public office fall under this section as UNITED STATES  
 2 citizens. Those who hold office have knowingly and willingly given up their citizenship to this  
 3 country under Title 8 Section §1481 to become a foreign state agent under 22 USC. The oath of  
 4 office to the constitution requires office-holders to uphold and maintain our Constitutional form  
 5 of government under the people's authority. This right was never surrendered by the people;  
 6 failure to do so violates 10 USC §333 and 18 USC §1918, chapter 115 §2382, §2383, §1505,  
 §1001, §241, §242, 42 USC §1981 & 31 USC §3729 just to name a few.

7 The Federal Debt Collection Procedure places all courts under equity and commerce and  
 8 under the International Monetary Fund. The International Monetary Fund comes under the  
 9 Uniform Commercial Code under banking and business interest and Trust laws. This makes the  
 10 Court / Judges trustee over the trust and responsible whether or not the Petitioner understands the  
 11 trust issue. The 1933 bankruptcy act placed all public officials in a fiduciary position to write off  
 12 the public debt, since this Nation is not solvent. The TWEA suspended the U.S. Constitution in  
 13 the court room, and therefore, the standard American flag in the courtroom was replaced with a  
 14 military Admiralty flag for dealing with alien enemy residents. The people never rescinded their  
 15 nationality to the real united States of America. Those who hold public office rescinded their  
 16 nationality to become a foreign agent in order to hold public office. International law requires the  
 judge to uphold the people's Constitutional form of government as defined in the "Federalist  
 Papers".

17 Federal Rules of Civil Procedure / Rules of Civil Procedure Rule 2 only allows civil action,  
 18 and under Rule 17, a real party of interest has to be present in the courtroom in order for there to  
 19 be any claims of injury or damages against "the people." Any charges under the "UNITED  
 20 STATES" or "THE STATE OF....." fall under the TWEA Section 23. The people are not  
 21 subject to this jurisdiction as it is a Foreign State jurisdiction. The people hold 11th amendment  
 22 immunity to claims in equity and commerce from a foreign state. The STATE COURT in  
 23 Alphanumeric code# 09-1029 lack jurisdiction over the Complainant by Congressional mandate.  
 For the aforesated reasons, the Respondent/STATE COURT lacks jurisdiction under Rule 4(j) &  
 12(b) (1), (2), (3), (4), (5), (6) over this Complainant.

#### 24 **Adversarial System;**

25 **Mack vs. City of Detroit, Chief Justice Cavanagh, No. 118468, 2002.**

26  
 27 "The adversarial system ensures the best presentation of arguments and theories because  
 28 each party is motivated to succeed. Moreover, the adversarial system attempts to ensure

1 that an active judge refrain from allowing a preliminary understanding of the issues to  
 2 improperly influence the final decision. This allows the judiciary to keep an open mind  
 3 until the proofs and arguments have been adequately submitted. In spite of these  
 4 underlying concerns, the majority today claims that the benefits of full briefing are simply  
 5 a formality that can be discarded without care. The majority fails to comprehend how the  
 6 skilled advocates in this case could have added anything insightful in the debate over the  
 7 proper interpretation of a century's worth of precedent. Whatever its motivation, the  
 majority undermines the foundations of our adversarial system.

8 The Complainant is covered under Title 18 § 4 Misprision of felony & Title 31 USC §3729  
 9 False Claims as Whistle-blowers.

10 TITLE 18 > PART I > CHAPTER 1 > § 4 Misprision of felony

11 Whoever, having knowledge of the actual commission of a felony cognizable by a court of the  
 12 United States, conceals and does not as soon as possible make known the same to some judge or  
 13 other person in civil or military authority under the United States, shall be fined under this title or  
 imprisoned not more than three years, or both.

14 TITLE 31 > SUBTITLE III > CHAPTER 37 > SUBCHAPTER III

15 §3729. False claims(a) Liability for Certain Acts.— Any person who— (1) knowingly presents, or  
 16 causes to be presented, to an officer or employee of the United States Government or a member of  
 17 the Armed Forces of the United States a false or fraudulent claim for payment or approval;  
 18 (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false  
 19 or fraudulent claim paid or approved by the Government; (3) conspires to defraud the  
 20 Government by getting a false or fraudulent claim allowed or paid; TITLE 31 > SUBTITLE III >  
CHAPTER 37 > SUBCHAPTER III

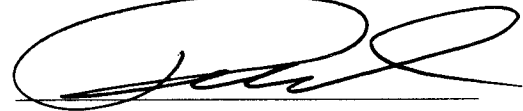
21 §3730 Civil actions for false claims (b) **Actions by Private Persons.**— (1) A person may  
 22 bring a civil action for a violation of section 3729 for the person and for the United States  
 23 Government. The action shall be brought in the name of the Government. The action may be  
 24 dismissed only if the court and the Attorney General give written consent to the dismissal and  
 25 their reasons for consenting  
 26  
 27  
 28



These are the laws as we know them—clear, precise and written by those with superior knowledge of the law “LAWYERS”, not the people. The people cannot be held accountable if

there is a failure to clarify or if its “incomprehensible, baseless assertions and citations to disjointed and/or irrelevant legal authority, grammatically, logically and legally incomprehensible, frivolous and unintelligible” or a conflict in the laws. This then goes back to those “LAWYERS” who created this conflict in law to be held accountable. Any failure for the judge to adhere is a violation under 18 USC 1001, 1346 1505, 2331 and 10 USC 333 This now violate the PATRIOT ACT SECTION 800 HOMELAND SECURITY and other Departments now has to be notified of domestic terrorism by court officers and agents thereof.

**ALL RIGHTS RESERVED TO AMEND WITHOUT LEAVE OF COURT**



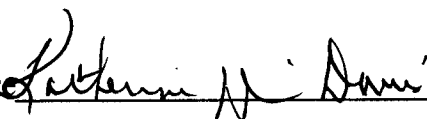
richard-enrique: Ulloa, AGENT  
in propria persona  
Secured Party Creditor, all UCC  
rights Reserved.  
RR 1  
Peek Farms, New York republic  
(845) 687-7855  
richard\_ulloa@yahoo.com

State of New York }

ss

County of Ulster }

On the 23<sup>RD</sup> day of March in the year 2010 before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Enrique Ulloa, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within Instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures(s) on the Instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature  (seal)

KATHERINE A. CAIRO DAVIS  
Notary Public, State of New York  
4843340

Qualified in Ulster County  
Commission Expires 07/31/2013

**Proof and Evidence of Service**

I, richard-enrique: (for the family-ulloa): declare that I served by filing one copy of the **'NOTICE AND AFFIDAVIT'** by "hand-delivered by private carrier-service on "State of New York Supreme Court Ulster County" sent by post-office-first class-mail AND OR CERTIFIED MAIL to the following:

|                                 |                          |
|---------------------------------|--------------------------|
| CORBALLY GARTLAND RAPPLEYEA LLP | USDC NORTHERN NY         |
| WILLIAM FRAME                   | CLERK OF THE COURT       |
| 35 MARKET STREET                | TO FILE IN TO THE DOCKET |
| POUGHKEEPSIE, NEW YORK 12601    |                          |
| FIRST CLASS MAIL                | FIRST CLASS MAIL         |



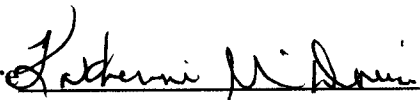
richard-enrique: (for the family-ulloa):

State of New York }

SS

County of Ulster }

On the 23<sup>RD</sup> day of March in the year 2010 before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Enrique Ulloa, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within Instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures(s) on the Instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature  (seal)

KATHERINE A. CAIRO DAVIS  
Notary Public, State of New York  
4843340

Qualified in Ulster County  
Commission Expires 07/31/2013

**NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL NOTICE TO**

**THE PRINCIPAL IS NOTICE TO THE AGENT**